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UNITED STATES PATENT AND TRADEMARK OFFICE

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310 S.W. Fourth Avenue, Suite 1101
Portland, OR 97204

In re Application of FUJIKAWA et al
U.S. Application No.: 09/830,598
Int. Application No.: PCT/JP00/06038
Int. Filing Date: 06 September 2000
Priority Date: 09 September 1999
Attorney Docket No.: A-398
For: HALFTONE PHASE SHIFT PHOTOMASK
AND BLANKS FOR HALFTONE PHASE
SHIFT PHOTOMASK FOR PRODUCING IT

DECISION

This is in response to applicants' "Renewed Petition Under 37 CFR 1.182" filed 29 March 2002, requesting correction of the given name of the third inventor.

BACKGROUND

On 06 September 2000, applicants filed international application PCT/JP00/06038, which claimed priority of an earlier Japan application filed 09 September 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 22 March 2001. The twenty-month period for paying the basic national fee in the United States expired at midnight on 09 May 2001.

On 27 April 2001, applicants filed national stage papers in the United States. The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1), an executed declaration, and a request to correct the name of the third inventor.

On 14 August 2001, this Office mailed a decision dismissing the request to correct the name of the third inventor on grounds that the discrepancy between the name listed in the declaration and that listed in the international application is the result of more than a mere typographical error or phonetic misspelling.

On 11 October 2001, applicants filed a petition under 37 CFR 1.182.

On 29 November 2001, this Office mailed a decision dismissing the 10 October 2001 petition on grounds that applicant had not provided the required statements concerning the error in the inventor's name.

On 29 March 2002, applicants filed the present renewed petition along with an additional petition fee.

DISCUSSION

The given name of the third inventor is listed in the international application as "Takashi" while the given name is listed in the declaration as "Takafumi". The petition states that the error occurred when the inventor's name was translated from Japanese into English. The petition is accompanied by statements from the inventor and other persons having firsthand knowledge of the error. These statements set forth the specific circumstances as to how and when the error was made and discovered and set forth that the mistake was an inadvertent error without deceptive intent.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date of 06 September 2000 and a date under 35 U.S.C. 371 of 27 April 2001.

The application will be forwarded to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision, including refunding the \$130.00 petition fee submitted 29 March 2002 pursuant to 37 CFR 1.26.



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